

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05cv11095NG

THOMAS ROY and *
LISA ROY *
v. *
*
DELAWARE NORTH *
COMPANIES, INC. - BOSTON *

**PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO COMPEL
DEPOSITIONS OF THE PLAINTIFFS, THOMAS AND LISA ROY**

Now come the defendants in the above referenced matter and hereby provide this limited opposition to the defendant's motion. While plaintiffs certainly will be produced for depositions plaintiffs suggest that the orderly way in which to proceed with discovery is to have the parties respond first to paper discovery and then take depositions.

In this context plaintiff propounded a set of interrogatories and a document production request to defendant on July 13, 2005. Those have yet to be responded to. Defendant has recently propounded interrogatories and a Rule 34 requests to the plaintiffs. They are being worked on.

Per the proposed discovery plan in this case the parties have until June 30, 2006 within which to conclude all discovery, including depositions, with the exception of expert testimony. This means the defendant has eight months within which to depose the plaintiffs. There is simply no need to force the plaintiffs to testify at depositions

prior to the defendant responding to very specific and limited discovery being sought by plaintiff.

Dated: October 11, 2005

The Plaintiffs,
Thomas Roy and Lisa Roy,
By their attorney,
JOSEPH G. ABROMOVITZ, P.C.

s/Joseph G. Abromovitz

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CERTIFICATE OF SERVICE

I, Joseph G. Abromovitz, counsel for the plaintiff, hereby certify that on this 11th day of October, 2005 I served a copy of the within document via postage prepaid mail to the following counsel of record:

Lawrence F. Boyle. Esq.
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s/Joseph G. Abromovitz

Joseph G. Abromovitz